

A
SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	May 24, 2016
Time of Incident:	10:50 pm
Location of Incident:	XXX N. Harlem Avenue
Date of COPA Notification:	May 25, 2016
Time of COPA Notification:	8:50 am

This is an off-duty domestic incident between married Chicago Police Officers 1 and 2. Officer 1 was driving the couple home when a verbal and physical altercation ensued between the two. Allegations were brought against both Officer 1 and Officer 2.

II. INVOLVED PARTIES

Involved Officer #1:	Officer 1, Star #XXX, Employee # XXX, Date of Appointment, XXX, 1996, Chicago Police Officer, Unit XXX, Date of Birth, XXX, 1963, Male, Spanish.
Involved Officer #2:	Officer 2, Star #XXX, Employee #XXX, Date of Appointment, XXX, 1995, Chicago Police Officer, Unit XXX, Date of Birth, XXX, 1965, Female, White.

III. ALLEGATIONS

Officer	Allegation	Finding
Officer A	<ul style="list-style-type: none"> 1. Engaged in an unjustified verbal altercation with Officer 2 in violation of Rule 9. 2. Attempted to force Officer 2 out of a vehicle in violation of Rule 9. 3. Pushed and/or grabbed Officer 2 on her neck in violation of Rule 9. 	Unfounded Not Sustained Sustained
Officer B	<ul style="list-style-type: none"> 1. Engaged in an unjustified verbal altercation with Officer 1 in violation of Rule 9. 2. Threw a bottle of water at Officer 1 in violation of Rule 9. 3. Grabbed and scratched Officer 1's arm in violation of Rule 9. 	Unfounded Sustained Sustained

IV. APPLICABLE RULES AND LAWS

Rules

1. **Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
 - 2.
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V.

INVESTIGATION¹

COPA conducted **Officer 1's audio statement** on February 21, 2018. On May 24, 2016, Officer 1 and his wife, Officer 2, attended a White Sox baseball game, and went to dinner afterwards. On their way home, the couple engaged in a "heated argument" regarding their step-children from previous relationships. Per Officer 1, the discussion regarding their step-children began the previous day. Officer 2 became upset during the argument, and began striking the navigation screen of Officer 1's vehicle with a plastic water bottle. Officer 1, who was driving at the time, extended his right arm against Officer 2's upper body, and pushed her against her seat to prevent her from damaging the navigation screen. Officer 1 did not recall specifically where he contacted Officer 2's upper body.

Thereafter, Officer 2 threw the water bottle, which eventually struck Officer 1. He was not sure if Officer 2 threw the water bottle directly at him, or if the water bottle bounced off the windshield and then struck him. Officer 1 curbed his vehicle, and reached over to open the passenger door. Officer 1 told Officer 2 to get out, but she refused. To prevent the situation from escalating, Officer 1 decided to exit his vehicle. As Officer 1 exited the vehicle, Officer 2 grabbed him by the bicep area of his right arm. Officer 2's fingernails penetrated Officer 1's skin, causing bloody scratches to his arm.

Officer 1 walked approximately two blocks before calling 911. After responding officers arrived at Officer 1's location, they all returned to the scene of incident. Officer 2 was not present, she had driven away. Responding officers then drove Officer 1 to his residence. When Officer 1 and responding officers arrived at the residence, Officer 2 was there. Officer 2 informed the officers that she wanted to file a police report regarding the incident.

Officer 1 viewed Chicago Police Department Evidence Technician photographs of himself and Officer 2. Officer 1 confirmed the injury to his arm, and confirmed it was sustained when Officer 2 grabbed his arm. Officer 1 did not receive any medical treatment for his injury. Officer 1 identified bruises on Officer 2's knee and arm. Per Officer 1, the bruises were not sustained during their incident. Officer 1 had no knowledge as to how or when Officer 2 sustained the bruises. At the baseball game, Officer 2 consumed approximately three beers, and Officer 2 had two beers. Neither Officer 1 nor Officer 2 consumed alcoholic beverages at dinner.

¹ COPA conducted a thorough and completed investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

Following the incident, Officer 1 temporarily moved from their residence for approximately one week. Officers 1 and 2 have been married for seven years. Officer 1 does not know of any witnesses to this incident, and he did not speak to any outcry witness regarding this incident. This is the first physical incident between Officer 1 and Officer 2. Officer 1 believed Officer 2 was the aggressor in this incident, due to her actions of striking the navigation screen. Officer 1 denied the allegations against him.²

COPA conducted **Officer 2's audio statement** on 22 February 2018. Officer 2 essentially related the same account of the incident as Officer 1. Officer 2 admitted that she was tapping a plastic water bottle on the dashboard of Officer 1's vehicle, that she threw the water bottle at the windshield, and that she accidentally scratched Officer 1 on his arm as he exited his vehicle. Officer 2 attempted to stop Officer 1 from exiting the vehicle because she believed that he was going to open the passenger door for her to exit the vehicle. Per Officer 2, the first physical contact was initiated when Officer 1 extended his arm across her "chest area" and pushed her against her seat. Officer 2 did not recall the degree of force used by Officer 1. Officer 1 attempted to open the passenger door, but he was unsuccessful. Upon Officer 1 exiting the vehicle and walking away, Officer 2, maneuvered over to the driver's seat and drove home.

Officer 2 spoke to the officers who escorted Officer 1 home. Officer 2 sustained redness to her chest area and neck, because of Officer 1 pushing her with his arm. Officer 2 refused medical attention. On the date of incident, Officer 2 contacted her Supervisor, Commander 3, and informed him of the incident. Commander 3 advised Officer 2 to have a Sergeant respond to her residence. Officer 2 viewed the Chicago Police Department Evidence Technician photographs of she and Officer 1. Officer 2 confirmed the injury to Officer 1's arm, and how it was sustained. Officer 1 confirmed the redness to her chest and neck area in the photographs.

Photographs of Officer 2 also showed bruising to her knee and arm. When questioned about the bruises, Officer 2 had no recollection of how or when she sustained them. Officer 2 believed neither she nor Officer 1 was the aggressor in this incident, just that there was a misunderstanding between them. Officer 2 had no recollection of informing any Department Member that Officer 1 attempted to force her out a vehicle by pushing her by the neck.³

a. Digital Evidence

Evidence Technician photographs of Officers 1 and 2 were taken on May 25, 2016. Photographs of Officer 1 show bloodied scratches to his right bicep. Photographs of Officer 2 show redness around her neck area, and bruising to her inner right bicep, and inner right knee.⁴

b. Documentary Evidence

In an **Initiation Report**, Sergeant 4, related that he was informed by Beat XXX, of a domestic disturbance between two off-duty Chicago Police Officers. Beat XXX responded to the scene of incident at XXX N. Harlem Avenue, where they met Officer 1. Officer 1 related to Beat XXX

² Attachment #41

³ Attachment #42

⁴ Attachment #35.

that on the way home from a Chicago White Sox baseball game, he and his wife were involved in a verbal and physical altercation, in which Officer 2 struck him. Officer 1, who was driving at the time of incident, curbed and exited his vehicle. At that time, Officer 2 jumped into the driver's seat and drove home.

Beat XXX escorted Officer 1 to his residence, located at XXX N. Oak Park. Upon arriving at the residence, Officer 2 was present. Through Beat XXX, Officer 2 requested a supervisor to the scene. Officer 2 related to Beat XXX that Officer 1 attacked her in their vehicle. Upon Sergeant 4 arriving at the scene, he spoke to Officer 1. Officer 1 related the same account of the incident to Sergeant 4 as he did to Beat XXX. Sergeant 4 observed scratches and blood on Officer 1's upper right arm.

Sergeant 4 then spoke to Officer 2. Officer 2 related that Officer 1 attempted to force her out of their vehicle, by pushing her on the neck. When Officer 1 exited the vehicle, Officer 2 stated she moved to the driver's seat and drove home. Sergeant 4 observed redness to Officer 2's upper chest area, near her neck. Chicago Fire Department Ambulance 63 responded to the scene, but Officers 1 and 2 refused medical treatment. Officers 1 and 2 admitted that they had been drinking at the baseball game. An Evidence Technician was requested to take photographs of Officers 1 and 2.⁵

The **Chicago Fire Department Incident Report** related that Officer 1 parked his vehicle and forcibly attempted to push Officer 2 from the vehicle. Paramedics described Officer 2's demeanor as agitated and upset. Officer 2 complained of redness to her arms and upper neck. Paramedics observed redness to Officer 2's neck and forearms, and day-old bruising to her right upper arm, and right thigh. Officer 2 refused medical attention.⁶

On May 24, 2016, at 10:46 PM, Officer 1 made a **911 call** and requested a Sergeant respond to XXX N. Harlem Avenue. Officer 1 informed the dispatcher that he was an off-duty officer and that he was involved in a domestic incident with his wife. When asked if drugs, alcohol or weapons were involved in the incident, Officer 1 stated, "some alcohol."⁷

The **Original Case Incident Report** essentially documented the same information as the Initiation Report. It further reported that during their verbal altercation, Officer 2 threw a bottle of water towards Officer 1, and that Officer 2 grabbed and scratched Officer 1 on his right arm as he attempted to exit his vehicle. Due to their conflicting accounts of the incident, officers could not determine who the aggressor was.⁸

The **Case Supplementary Report** by Detective 5, #XXXXXX, related that Detective 5 spoke to Officers 1 and 2 on June 11, 2016. Both parties provided conflicting accounts of the incident. Officers 1 and 2 both declined to pursue criminal charges in this matter. Following this incident, Officer 1 moved out of the residence, and the couple were considering counseling. Per Detective 5, based on the above, this case was Exceptionally Cleared Closed.⁹

⁵ Attachment #4

⁶ Attachment #18

⁷ Attachment #34.

⁸ Attachment #5

⁹ Attachment #36

V. ANALYSIS

1. Officer 1

COPA recommends a finding of **Unfounded** for **Allegation #1**, that Officer 1 engaged in an unjustified verbal altercation with Officer 2, in violation of Rule 9, “Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.” Both parties related that their verbal altercation was regarding their step-children from prior relationships. Neither party related that the other party directed profanity or derogatory words toward them. Verbal altercations/disagreements amongst married couples is nothing uncommon, and not a violation of Department Rules or Regulations. There is no evidence to support the allegation that Officer 1 engaged in an unjustified verbal altercation with Officer 2.

COPA recommends a finding of **Not Sustained** for **Allegation #2**, that Officer 1 attempted to force Officer 2 out of a vehicle, in violation of Rule 9, “Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.” Per Officer 1, he told Officer 2 to get out the vehicle, and reached across her body to open the passenger door. When Officer 2 refused to exit the vehicle, Officer 1 exited the vehicle and walked away from the scene. As documented by Sergeant 4, Officer 2 initially related that Officer 1 attempted to force her out their vehicle by pushing her on the neck. This account of the incident would be consistent with the injury/redness that Officer 2 sustained to her neck area. However, in her COPA statement, Officer 2 corroborated Officer 1’s account of the incident, and stated that Officer 1 never opened the passenger door. Officer 2 further related that she had no recollection of informing any Department member that Officer 1 attempted to force her out of a vehicle. Due to the conflicting statements by Officer 2, there is insufficient evidence to either prove or disprove this allegation.

COPA recommends a finding of **Sustained** for **Allegation #3**, that Officer 1 pushed and/or grabbed Officer 2 on her neck, in violation of Rule 9, “Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.” Officer 1 admitted that he extended his arm, made physical contact with Officer 2’s upper body, and pushed her back against her seat with his extended arm. Officer 1 who was driving, was unsure where he specifically contacted Officer 2 about her upper body. In her statement, Officer 2 stated that Officer 1’s extended arm struck her on her chest area. Sergeant 4, the Chicago Fire Department Incident Report, and Evidence Technician photographs reported observing redness to Officer 2’s neck area. Based on the totality of the circumstances there is a preponderance of evidence to support the allegation that Officer 1 pushed Officer 2 on her neck with his extended arm.

2. Officer 2

COPA recommends a finding of **Unfounded** for **Allegation #1**, that Officer 2 engaged in an unjustified verbal altercation with Officer 1 Jr., in violation of Rule 9, “Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.” Both parties related that their verbal altercation was regarding their step-children from prior relationships. Neither party alleged that the other party directed profanity or derogatory words toward them. Verbal altercations/disagreements amongst married couples is common and not prohibited by CPD Rules

and Regulations. There is no evidence to support the allegation that Officer 2 engaged in an unjustified verbal altercation with Officer 1.

COPA recommends a finding of **Sustained** for **Allegation #2**, that Officer 2 threw a bottle of water at Officer 1, in violation of Rule 9, “Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.” Officer 2 denied throwing a bottle of water at Officer 1, but admitted she threw a bottle of water at the windshield of the vehicle during their argument because she was upset. Officer 1 was certain that he was struck by the bottle of water thrown by Officer 2. However, Officer 1 was unsure if the water bottle struck him directly, or if the bottle of water bounced off the windshield/dashboard and then struck him. Nonetheless, once Officer 2 released the bottle of water from her hand, she was responsible for the actions of the bottle of water, which in turn struck Officer 1.

COPA recommends a finding of **Sustained** for **Allegation #3**, that Officer 2 grabbed and scratched Officer 1’s arm, in violation of Rule 9, “Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.” Officer 2 admitted to grabbing/scratching Officer 1 about his arm as he attempted to exit his vehicle, even though she explained that the scratches were unintentional. Evidence Technician photographs, and Sergeant 4’s Initiation Report document the injury sustained by Officer 1.

3. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Officer 1	1. Engaged in an unjustified verbal altercation with Officer 2 in violation of Rule 9.	Unfounded
	2. Attempted to force Officer 2 out of a vehicle in violation of Rule 9.	Not Sustained
	3. Pushed and/or grabbed Officer 2 on her neck in violation of Rule 9.	Sustained
Officer 2	1. Engaged in an unjustified verbal altercation with Officer 1 in violation of Rule 9.	Unfounded
	2. Threw a bottle of water at Officer 1 in violation of Rule 9.	Sustained
	3. Grabbed and scratched Officer 1’s arm in violation of Rule 9.	Sustained

Approved:

Deputy Chief Administrator XXX

Date

Appendix A

Assigned Investigative Staff

Squad#:	
Investigator:	
Supervising Investigator:	
Deputy Chief Administrator:	